



COMMONWEALTH of VIRGINIA

Department of Alcoholic Beverage Control

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CIRCULAR LETTER 08-01

TO: All Virginia Wine and Beer Wholesalers **DATE:** December 5, 2008

FROM: Francis J. Monahan, 
Director, Bureau of Law Enforcement

SUBJECT: Defective Product Returns

Information has been received indicating that some of you may be picking up damaged or broken products that **we are not defective at the time of delivery**. Pursuant to 3 VAC 5 – 50 – 10, B. Prohibited acts. A wholesaler may not:

3. Sell or offer to sell alcoholic beverages to a retailer with the privilege of return, except for ordinary and usual commercial reasons as set forth below:

- a. Products defective at the time of delivery may be replaced;
- b. Products erroneously delivered may be replaced or money refunded;
- g. Wine or beer may be exchanged on an identical quantity and brand basis for quality control purposes. Any such exchange shall be documented by the word "exchange" on the proper invoice.

Such activity is a serious administrative and criminal violation that could result in a fine of up to \$ 2,500 and/or twelve months in jail.

The referenced sections from The Alcoholic Beverage Control Act and Virginia Administrative Code may be read in their entirety on our website: www.abc.virginia.gov. Please link the following sequence: Laws and Enforcement/Virginia Codes, and then choose the appropriate category.

Should you have any questions or concerns please feel free to contact your assigned Senior Special Agent directly, or direct your email to: Enforcement@abc.virginia.gov.